

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**PROPOSED AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
JULY 13, 2004
9:00 A.M.**

ROLL CALL

Invocation – Police Chaplain Clift Barnes
Pledge of Allegiance

REGULAR AGENDA

1. Discussion and action on higher water bill rates. [Anastacio Garcia]
2. Possible case of discrimination against my book and myself from the City Public Library.
[Manuel Lozano]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

3. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
Approval of Minutes for Regular City Council Meetings of June 2, June 8, and July 7, 2004, and Special City Council Meeting of July 1, 2004.
4. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**
5. **RESOLUTIONS:**
 - 5A. That the City of El Paso acting through its Department of Aviation be authorized to accept a mural celebrating the 90th anniversary of the University of Texas and El Paso ("UTEP") in exchange for the mural donated by UTEP to the City on July 20, 2000, and that the Director of Aviation be authorized to accept future exchanges of the mural provided that the murals are of the same or better quality, size and value and are compatible with other art and décor in the terminal building. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

- 5B.** That the Director of the City's Arts and Culture Department be authorized to sign the Facility Use Request and Authorization Form with the El Paso Independent School District for the use of the Bowie High School parking areas by the public during the Music Under the Stars World Festival performances at the Chamizal National Memorial. The performances include Sunday evenings in June, July, and August 2004 (except for the July 4th performance) from 5:00 p.m. until 11:00 p.m. Cost for such use is estimated to be \$1,620.00.
[Arts and Culture, Alejandrina Drew, (915) 541-4481]
- 5C.** That the Mayor be authorized to sign the following grant application on behalf of the Arts and Culture Department for submission to the Heartland Arts Fund ("HAF") and to sign the related contract and documents should funds be granted, either in the requested amount or at such lesser amounts as may be approved by the HAF. This grant will be used for the artistic fees for FY 2005 to present the Chuchumbe at the Music Under The Stars World Festival, July 17th 2005. The grant request is as follows. **(All Districts)**
[Arts and Culture, Alejandrina Drew, (915) 541-4481]
1. To request and receive \$5,000 for artistic fee support to present Chuchumbe on July 17, 2005, for the Music Under The Stars World Festival, FY 2005. New City match is not required for the amount of the grant actually awarded.
- 5D.** Designating the specific projects of the City of El Paso which are to receive funds from the bonds approved in Proposition 6 "Municipal Accessibility Improvements", in the February 7, 2004 Bond Elections.
(All Districts) [Building and Planning Services, Patricia D. Adatao, (915) 541-4853]
- 5E.** That The City Attorney And/Or Her Designee(s) Are Authorized To Negotiate With El Paso Electric Company Regarding Amendments To And/Or Extensions Of The Franchise Agreement Between El Paso Electric Company And The City Of El Paso, Ordinance No. 012539 And To Report Back To The City Council At The July 27, 2004 Regular Council Meeting.
[City Attorney's Office, Kevin Elkins, (915) 541-4550]
- 5F.** That the section of the Citizen Participation Plan for the Consolidated Plan that relates to the composition and function of the Community Development Steering Committee be revised, as reflected in Attachment A, to incorporate the June 15, 2004 recommendations from the "Mayor's Blue Ribbon Ad Hoc Committee for the Community Development Block Grant Funding Process", and additional revisions recommended by the staff of the Department of Community and Human Development to reflect updated terminology and current practices.
(All Districts) [Community and Human Development, Nathalie M. Prise, (915) 541-4643]
- 5G.** That City Council adopt revised guidelines, as reflected in Attachment A, for the housing rehabilitation loan program that is part of the City's Section 108 Redevelopment Loan Program. **(Districts 1, 3, 6, 7, and 8)**
[Community and Human Development, Nathalie M. Prise, (915) 541-4643]

- 5H.** That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Twelve Thousand Two Hundred Fifty And No/100 Dollars (\$12,250.00, Loan-\$11,500.00 and Note-\$750.00), against the following described real property:

Lot 1, Block 37, Hacienda Heights Unit Five, an Addition in the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 6, Page 41, Plat Records of El Paso County, Texas; known and numbered as 7700 Corozal

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Two Hundred Thirteen and 72/100 Dollars (\$213.72). **(District 7)**

[Community and Human Development, Charles Ruiz, (915) 541-4221]

- 5I.** That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Fifteen Thousand Two Hundred Twenty Five And No/100 Dollars (\$15,225.00, Loan-\$14,000.00 and Note-\$1,225.00), against the following described real property:

The South 100' of Lot 3 and the South 100' of East ½ of Lot 2, Block 112, East El Paso Addition, to the City of El Paso, El Paso County, Texas; known and numbered as 3503 La Luz

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City. **(District 8)**

[Community and Human Development, Charles Ruiz, (915) 541-4221]

- 5J.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RODRIGO MERCADO**, to assist the El Paso Water Utilities as a Regional Services Coordinator at a biweekly rate of \$2,307.69 for 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through July 13, 2005. [El Paso Water Utilities Public Service Board, Fred Loweree, (915) 594-5501]

- 5K.** That the Mayor be authorized to sign an Interlocal Agreement, between the CITY OF EL PASO, TEXAS TECH UNIVERSITY HEALTH SCIENCES at El Paso, and the EL PASO COUNTY HOSPITAL DISTRICT d/b/a R. E. THOMASON GENERAL HOSPITAL, whereby Texas Tech agrees to provide medical control and guidance to the City's EMS System, as well as other medical services, at a cost in FY-2005 to the City not to exceed \$728,026.00, and whereby Thomason Hospital agrees to act as the base station for the City's FMS System at no cost to the City. Said contract to have an effective date of September 1, 2004 and a termination date of August 31, 2007, with the option, upon mutual agreement by the parties, to extend the contract. [Fire Department, Chief Roberto Rivera, (915) 771-1000]

- 5L.** That the Library Director be authorized to sign an Exhibit Contract with Marcos Casiano covering an exhibit of photos entitled "On the Road Again" at the Main Library of the El Paso Public Library System for the period of July 13 through August 13, 2004. This exhibition is at no cost to the City. **(District 8)**
[Library, Carol Brey-Casiano, (915) 875-0705]

- 5M.** That the Mayor be authorized to sign and submit a Grant Application to the Texas Forest Service on behalf of the City of El Paso in the amount of \$10,000.00 for the "Every Tree Has A Story" urban forestry promotion program; and

That the Office of the Mayor be authorized to furnish additional information that may be required by the Texas Forest Service in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the Texas Forest Service.
[Mayor's Office, Adrian Ocegueda, (915) 541-4145]

- 5N.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD A. GENEST**, to assist the Metropolitan Planning Organization, at an hourly rate of \$16.37, for 20 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through July 13, 2005. [Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]

- 5O.** That the Mayor be authorized to sign an Amendment to the March 23, 2004, Interlocal Agreement between the City of El Paso and the El Paso Downtown Management District to provide for the restoration of the Town Clock in the San Jacinto Plaza utilizing funds provided by the District.
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

- 5P.** That the Mayor be authorized to sign and submit a Grant Application to the Texas Forest Service on behalf of the City of El Paso in the amount of \$10,000.00 for the Memorial Tree Program; and

That the Parks and Recreation Department be authorized to furnish additional information that may be required by the Texas Forest Service in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the Texas Forest Service.
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

- 5Q.** That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Joseph Candelaria, Pool Attendant, Step 2
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-295**
2. CONTRACTOR: Adrian Diaz, Pool Attendant, Step 1
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-296**
3. CONTRACTOR: Miguel A. Lopez, Swim Instructor, Step1
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-297**
4. CONTRACTOR: Marcela C. Macias, Swim Instructor Coordinator, Step 2
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$6.85
CONTRACT NO: **2003/2004-298**
5. CONTRACTOR: Rosanne E. Martinez, Lifeguard, Step 2
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-299**
6. CONTRACTOR: John A. Parris, Lifeguard, Step 2
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-300**
7. CONTRACTOR: Kevin M. Tryon, Senior Lifeguard, Step 2
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$6.80
CONTRACT NO: **2003/2004-301**
8. CONTRACTOR: Selene Valdez, Swim Instructor, Step 1
DATES: July 14, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-302**

- 5R.** That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

ARMIJO RECREATION CENTER**DEPARTMENT ID: 51510065, ACCOUNT 502215**

1. CONTRACTOR: Ricardo Gonzalez, T-Ball Coordinator
 DATES: July 15, 2004 through August 31, 2004
 RATE PER CL: \$6.00
 MAXIMUM AMT: \$270.00
 CONTRACT: **2003/2004-165**

GALATZAN RECREATION CENTER**DEPARTMENT ID: 51510131, ACCOUNT 502214**

2. CONTRACTOR: Vanessa Campos, Ballet Instructor
 DATES: July 19, 2004 through August 31, 2004
 RATE PER CL: \$11.35
 MAXIMUM AMT: \$862.60
 CONTRACT: **2003/2004-166**
3. CONTRACTOR: Guy Rosas, Martial Arts Instructor
 DATES: July 19, 2004 through August 31, 2004
 RATE PER CL: \$11.35
 MAXIMUM AMT: \$646.95
 CONTRACT: **2003/2004-167**

MULTI-PURPOSE RECREATION CENTER**DEPARTMENT ID: 51510032, ACCOUNT 502214**

4. CONTRACTOR: Arlow Cruz, Aerobics Instructor
 DATES: July 14, 2004 through August 31, 2004
 RATE PER CL: \$9.00
 MAXIMUM AMT: \$180.00
 CONTRACT: **2003/2004-168**

- 5S.** That the El Paso City Council hereby approves the submission and nomination of the Chihuahueta Neighborhood Plan, adopted on March 2, 2004, for a 2004 Texas APA (American Planning Association) Award under the category of "project Planning Award; and that the El Paso City Council hereby authorizes George G. Sarmiento, Planning Director, to sign the completed award nomination forms and all other related documents for submission of the Chihuahueta Neighborhood Plan to the Texas APA prior to the July 23, 2004 deadline.

(District 8)

[Planning, Research and Development, Verónica Rosales, (915) 541-4633]

- 5T.** That the El Paso City Council hereby approves the submission and nomination of the Infill Development Ordinance adopted on December 16, 2003, for a 2004 Texas APA (American Planning Nomination) Award under the category of "Current Planning Award" and, that the El Paso City Council hereby authorizes George G. Sarmiento, Planning Director, to sign the completed award nomination forms and all other related documents for submission of the Infill Development Ordinance to the Texas APA prior to the July 23, 2004 deadline. **(All Districts)**

[Planning, Research and Development, Verónica Rosales, (915) 541-4633]

- 5U.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARIA E. RIVERA** to assist the Police Department as a Crisis Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through June 30, 2005.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 5V.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CINDY DURAN** to assist the Police Department as a Crisis Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through June 30, 2005.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 5W.** That Clarence Ansley, Brooks Dawson and Emily Garcia Heaton and their agents and attorneys are authorized to use the phrase "El Paso Police" as part of the name of a non-profit foundation to promote public safety and security by providing funds and other resources to the El Paso Police Department for the purposes of incorporation, the development of by-laws, the preparation and submission of all paperwork related to the incorporation and acquisition of non-profit organizational status with the Internal Revenue Service and the use of the Police Headquarters address for purposes of incorporation or naming a Registered Office subject to the conditions set forth in the resolution.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 5X.** That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the Institute for Policy and Economic Development at the University of Texas at El Paso for the Institute to conduct a police satisfaction and criminal victimization survey for the Police Department.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 5Y.** That the Mayor be authorized to sign an appraisal services agreement, pursuant to requirements set forth in 19.44 of the City of El Paso Municipal Code, with RALPH SELLERS & ASSOCIATES, for the appraisal of a 3.12 acre portion of Ethel Road, as more fully described in such appraisal services agreement as made part of City street vacation application SV04003.
(District 1) [Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]
- 5Z.** That the Mayor be authorized to sign and submit a Grant Application to the Texas Forest Service on behalf of the City of El Paso in the amount of \$20,000.00 for the Arborist; and

That the Street Department be authorized to furnish additional information that may be required by the Texas Forest Service in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the Texas Forest Service.

[Street Department, Daryl W. Cole, (915) 621-6750]

- 5AA.** That the Borderland Fire Station #2 Landscape Project ("Project") is in the public interest and should be executed pursuant to the proposed project scope (Exhibit B), with contributions of funds, materials and labor for the project solicited by the El Paso Green Sweep Committee; and that the Streets Director be authorized to negotiate, the City Attorney's Office be authorized to prepare, and the Mayor or his designee be authorized to sign, all documents necessary to complete the Project, including but not limited to donation agreements for materials, labor and maintenance. [Street Department, Daryl W. Cole, (915) 621-6750]

6. BOARD RE-APPOINTMENT:

Elijah Graham to the Civil Service Commission by Representative Robert A. Cushing, Jr., District 2. [Representative Robert A. Cushing, Jr., (915) 541-4996]

7. BOARD APPOINTMENT:

Lourdes Lopez to the Bond Overview Advisory Committee (as a member of the El Paso Zoological Society) by Representative John F. Cook, District 4.

[Representative John F. Cook, (915) 541-4140]

- 8.** Request that the following installment agreements for **AD VALOREM** taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]

- 8A.** PID #C340-999-0980-6100 \$567.97 per month installments on a balance of \$6,815.64 for 2003 taxes; John S. & Marjory D. Brady – 6285 Camino Alegre. **(District 1)**
- 8B.** PID #C340-999-1010-2100, \$233.29 per month installments on a balance of \$3,266.06 for 2003 taxes; Cesar J. Cardona – 6852 Amposta Dr. **(District 1)**
- 8C.** PID #C518-999-0650-3000, \$220.97 per month installments on a balance of \$2,651.64 for 2003 taxes; Narciso & Monseratte H. Alvarez – 8104 Morley Dr. **(District 5)**
- 8D.** PID #C733-999-0050-1300, \$209.80 per month installments on a balance of \$2,517.60 for 2003 taxes; Alice C. Blanco – 4100 Siete Leguas. **(District 8)**
- 8E.** PID #C801-999-0260-0500, \$1,060.42 per month installments on a balance of \$12,725.04 for 2003 taxes; Brenda & Harold R. Hayes III – 1088 Thunderbird. **(District 1)**
- 8F.** PID #'s D361-999-0110-3600, D361-999-0110-4100, D361-999-0110-4200, D361-999-0110-4300 & D361-999-0110-4400, \$1,009.79 per month installments on a balance of \$24,234.96 for 2000, 2001, 2002 & 2003 taxes; A & A RE Investments LP – 8973 Herbert. **(District 2)**
- 8G.** PID #H788-003-0180-0070, \$376.67 per month installments on a balance of \$4,143.37 for 2003 taxes; Manuel & Anna Reyes – 3700 Paisley. **(District - County)**
- 8H.** PID #I256-999-0350-1400, \$186.26 per month installments on a balance of \$2,235.12 for 2003 taxes; Joseph M. & Monika M. Barnum – 3509 Broken Arrow Dr. **(District 5)**
- 8I.** PID #M056-999-0320-5300, \$273.10 per month installments on a balance of \$3,277.20 for 2003 taxes; Victor P. Morales – 2735 Gold Ave. **(District 2)**

- 8J.** PID #M372-999-0020-2200, \$819.51 per month installments on a balance of \$4,917.06 for 2000 & 2002 taxes; Jose F. & Socorro Oropeza – 1209 – 1211 Huckleberry. (District 2)
- 8K.** PID #N229-999-0070-3100, \$193.93 per month installments on a balance of \$2,327.16 for 2003 taxes; Pedro & Rosa E. Venegas – 2237 Robert Wynn. **(District 5)**
- 8L.** PID #N425-999-0320-7400, \$468.94 per month installments on a balance of \$5,627.28 for 2003 taxes; Greg Sr. & Rosemary Dudley – 4209 John B. Oblinger Dr. **(District 4)**
- 8M.** PID #R534-999-0030-0700, \$360.77 per month installments on a balance of \$4,329.24 for 2003 taxes; Stephen W. & Vickie T. Cox – 5705 Novilla Pl. **(District 1)**
- 8N.** PID #S127-999-0120-4100, \$175.42 per month installments on a balance of \$2,105.04 for 2003 taxes; 11340 Lake Geneva Dr. **(District 5)**
- 8O.** PID #'s T223-999-0020-0550 & PID #V650-999-0010-0600, \$308.76 per month installments on a balance of \$3,705.12 for 2003 taxes; Santos Villegas & Gilbert Morales – Burnham. (District 7)
- 8P.** PID #U819-999-002A-0251, \$420.05 per month installments on a balance of \$5,040.60 for 2003 taxes; Ed & Patricia R. Hickerson – 4700 Emory. **(District 8)**
- 8Q.** PID #V893-999-0730-1300, \$158.24 per month installments on a balance of \$2,531.84 for 2003 taxes; Teresa Saucedo – 1908 Anise Dr. **(District 7)**
- 8R.** PID #V897-999-0380-1600, \$311.66 per month installments on a balance of \$5,609.88 for 2003 taxes; Jaime & Yolanda T. Moreno – 2008 Ivan Smith. **(District 5)**
- 8S.** PID #W180-004-0033-0032, \$172.93 per month installments on a balance of \$2,075.16 for 2001, 2002, & 2003 taxes; Elvia Aguirre – 1401 Westway. **(District - County)**
- 8T.** PID #X011-999-000C-5700, \$1,149.39 per month installments on a balance of \$13,792.68 for 2003 taxes; Paisano Medical Plaza – 5301 Alameda. **(District 3)**
- 8U.** PID #X579-000-2350-1070, \$525.00 per month installments on a balance of \$3,675.00 for 2003 taxes; Mohammad T. Mostajeran & Roya Mostajeran – 13200 Montana. **(District - County)**
- 8V.** PID #0398-999-9016-0000, \$1,821.03 per month installments on a balance of \$21,852.36 for 2000, 2001 & 2002 taxes; Ram Fixture & Display % Gilbert Ramirez – 6975 Commerce. **(District 3)**

9. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

- 9A.** MCI Lease Administration in the amount of \$11,278.30, overpayment of 2003 taxes. (PID #L612-999-0010-0250)
- 9B.** ABN-AMRO Mortgage Group in the amount of \$3,833.19, overpayment of 2003 taxes. (PID #C739-999-0020-2750)
- 9C.** MCI Lease Administration in the amount of \$63,747.67, overpayment of 2003 taxes. (PID #1998-999-2290-0042)
- 9D.** Transcontinental Title Co. in the amount of \$2,652.78, overpayment of 2003 taxes. (PID #N425-999-0470-4200)
- 9E.** First American TAX Service in the amount of \$2,547.20, overpayment of 2003 taxes. (PID #P448-999-001D-4000)
- 9F.** Ocwen Federal Bank in the amount of \$4,474.11, overpayment of 2002 taxes. (PID #R237-000-0040-1302)
- 9G.** Land America in the amount of \$5,710.01, overpayment of 2003 taxes. (PID #R460-999-0040-2900)
- 9H.** Humberto & Victoria Rosales in the amount of \$2,637.70, overpayment of 2003 taxes. (PID #W145-999-0460-4200)

10. DISCRETIONARY FUND:

Request authorization to allocate \$2,350.00 from District #3 Discretionary Funds to provide a speed hump on Franklin and Dale Road.
[Representative Jose Alexandro Lozano, (915) 541-4515]

11. CHANGE ORDERS:

11A. Request Change Order #1 to Contract 2002-123, Security Guard Service for the Police Department, to add security services at the parking lot located at Mills and Ochoa. Effective July 18, 2004 through the expiration of the contract.

Department: Police
Funds Available: 21010050-01101-502212
Funding Source: General Fund
District (s): 8
[Purchasing Department, Monica Vera, (915) 541-4234]

11B. Approve the following Change Order to Silverton Construction Co., Inc. for the Cleveland Square Redevelopment project:

Change Order No. Three (Construction Change), for an increase in the amount of \$55,609.00. The purpose of this change order is to remove the buried debris and concrete slab found under the existing parking lot of the Main Library during construction. This change order also adds fourteen (14) calendar days to the completion due date.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this project as necessary.
[Purchasing Department, Barbara Crumley, (915) 541-4315]

12. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

12A. BT2004-849 HEALTH

To increase City Budget so it matches TDH grant amount.

Increase	\$32,791	to	41150015/G41042206084/406001	StateGrtProc
Increase	\$32,791	to	41150015/G41042206084/502400	Bldg Lease

12B. BT2004-876 LIBRARY

The Library requests a budget transfer under the FY04 E-Rate Reimbursement fund. This budget transfer will allocate the funds remaining to pay for the tutor.com services.

Increase	\$19,833.75	to	53153054/G53041107025/407002	Est Rev
Increase	\$ 3,171.00	to	53153054/G53041107025/502107	DatProcSrv
Increase	\$ 1,662.75	to	53153054/G53041107025/508010	DatProcEq
Increase	\$15,000.00	to	53153054/G53041107025/508035	Communicat

12C. BT2004-933 PARKS AND RECREATION

This budget transfer requests an appropriation increase to reflect a donation received from NRPA for a football program at Acosta Sports Center.

Increase	\$5,000	to	51010215/P50020216302/405060	Donation
Increase	\$3,000	to	51010215/P50020216302/502215	CntractsNOC
Increase	\$2,000	to	51010215/P50020216302/504414	Membership

12D. BT2004-941 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to establish a budget for the PSB portion of the Citywide Minor Drainage Project Improvements Group #4 (Subfund 522). **(All Districts)**

Increase	\$115,089.45	to	14150086/PPW002900327702/508027	Construction
Increase	\$115,089.45	to	14150086/PPW002900327702/406002	LocalMatch

12E. BT2004-944 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$100,000 from the New Pool at Delta Site and \$100,000 from the relocation of Washington Senior Center project (New Delta Senior Center) and transfer the \$200,000 to the Convert Pool and Senior Center project per City Council motion dated May 18, 2004. Funding source is 2000 QOL bonds. Building and Planning Services also proposes to transfer \$118,750 within the same project to realign the project budget. **(District 3)**

Increase	\$ 55,000	to	31130564/PPW0057004YR260008/508009	Furn&Fixt
Increase	\$251,260	to	31130564/PPW0057004YR260008/508027	Construction
Decrease	\$ 61,760	from	31130564/PPW0057004YR260008/508050	Design
Decrease	\$ 18,500	from	31130564/PPW0057004YR260008/508024	Testing
Decrease	\$ 16,000	from	31130564/PPW0057004YR260008/508026	Inspections
Decrease	\$ 10,000	from	31130564/PPW0057004YR260008/508051	CityMgmt
Decrease	\$ 5,000	from	31130614/PPW005700360067/508022	Admn
Decrease	\$ 20,000	from	31130614/PPW005700360067/508024	Testing
Decrease	\$ 25,000	from	31130614/PPW005700360067/508026	Inspections
Decrease	\$ 50,000	from	31130614/PPW005700360067/508027	Construction
Increase	\$100,000	to	31130564/PPW0057004YR260008/407050	Trf from Prj
Increase	\$100,000	to	31130614/PPW005700360067/507006	Trf to Prj
Decrease	\$ 5,000	from	31130614/PPW005700260066/508022	Admn
Decrease	\$ 19,700	from	31130614/PPW005700260066/508024	Testing
Decrease	\$ 75,300	from	31130614/PPW005700260066/508027	Construction
Increase	\$100,000	to	31130564/PPW0057004YR260008/407050	Trf from Prj
Increase	\$100,000	to	31130614/PPW005700260066/507006	Trf to Prj

12F. BT2004-949 STREET

Additional funding needed for maintenance and repair of vandalized parking meters.

Decrease	\$10,000	from	32010200/01101/502227	PubAcMntCnt
Increase	\$10,000	to	32010313/01101/503209	ParkMtrsMnt

12G. BT2004-950 AIRPORT

Transfer of funds to cover the acquisition of a new transformer required to replace old model – needed for continued terminal operations (east concourse).

Increase	\$20,000	to	62620005/40101/502226	Bldg/FacMaint
Increase	\$20,000	to	62620005/40101/407062	Trf in from AP
Increase	\$20,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$20,000	to	62620018/P50000241021/507001	Intfd Trf Out

13. APPLICATION FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

Michael Apodaca to hold a demonstration walk on July 20, 2004 from 9:01 a.m. to 9:30 a.m. Route: 500 Porfirio Diaz, turning right on Prospect St., ending at the intersection of Prospect and N. Santa Fe. Approximately 500 persons will participate with no spectators anticipated. This request includes the use of amplification (one bullhorn). PERMIT NO. 04-064 **(District 8)** [Michael Apodaca]

REGULAR AGENDA**14. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

14A. An Ordinance amending Ordinance Nos. 15073 and 15245, providing for Art in Municipal Places, to revise the basis of calculation of funding, to provide for alternative sources of funding in conformance with requirements for General Obligation Bond Elections and to provide for the creation of a general Public Arts Fund. [Arts and Culture, Alejandrina Drew, (915) 541-4481]

14B. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 20, Lay-Off, Job Rights, Reinstatement, to amend the Lay-Off and Reinstatement Procedures. [Human Resources, Terry A. Bond, (915) 541-4509]

14C. An Ordinance amending Ordinance Number 012539 which granted a franchise to El Paso Electric Company, for the purpose of extending the City's option period under Section 13. [Attorney at Law, Norman Gordon, (915) 532-2000]

PUBLIC HEARING WILL BE HELD ON JULY 27, 2004 FOR ITEMS 14A – 14C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

15. DISCUSSION AND ACTION – MAYOR AND COUNCIL:

- 15A.** Discussion and action on compliance with the City Charter as it relates to layoffs.
[Representative John F. Cook, (915) 541-4140]
- 15B.** Discussion and action on the city's policies related to code enforcement of nuisance violations. [Representative John F. Cook, (915) 541-4140]
- 15C.** Discussion and action concerning the justification, if any, including but not limited to traffic studies, requestor/s of traffic control signage, etc., for the placement of multiple stop signs at the intersections/s of Mayfield Terrace, Memphis Street, Kentucky Street, and Red Canyon, in a low traffic density residential neighborhood, and additionally discussion and action on the same issues with respect to the placement of speed signage in the same respective area/s.
[Representative Robert A. Cushing, Jr., (915) 541-4996]
- 15D.** Discussion and action regarding speed reduction on Glengarry from 35mph to 30mph. [Representative Jose Alexandro Lozano, (915) 541-4515]

16. DISCUSSION AND ACTION – BUILDING & PLANNING SERVICES:

Discussion and Action on Bond Overview Advisory Committee recommendation to eliminate the following projects from the QOL Bond Program due to completion of the projects with Community Development Block Grant funds, and that their corresponding budgets be transferred to the Parks Proposition contingency:

(Districts 1, 2, 3, 7, and 8) [Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

Community Development Block Grant Projects

	Project	District	Project Budget
1.	Carolina Phase 2	7	\$ 16,000
2.	Logan	2	\$ 72,000
3.	Pera-Luna	8	\$ 31,000
4.	San Juan Strip - 1	3	\$ 31,000
5.	San Juan Strip - 2	3	\$ 11,000
6.	Thorn	1	\$165,000
7.	Yucca	7	\$ 10,000
	Total		\$336,000

17. DISCUSSION AND ACTION – CITY ATTORNEY:

Discussion and Action Regarding the City's Options Pursuant to the Franchise with El Paso Electric Company. [Attorney at Law, Norman Gordon, (915) 532-2000]

18. DISCUSSION AND ACTION – PLANNING, RESEARCH AND DEVELOPMENT:

18A. Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership. **(District 1)**
[Planning, Research & Development, Rudy Valdez, 541-4635]

18B. Discussion and action on an appeal request to vacate a portion of Pizarro Drive and to determine whether City staff should prepare an appraisal and Ordinance regarding such vacation. This appeal is made pursuant to 19.44.040 of the El Paso Municipal Code and is intended to authorize the preparation of a vacation ordinance to be later introduced and acted upon by City Council. This item is not intended to approve the requested vacation. **(District 8)**
[Planning, Research & Development, Rudy Valdez, 541-4635]

18C. Discussion and action on an appeal of a decision rendered by the El Paso Historic Landmark Commission on June 7, 2004 for case number HP04014 which denied a Certificate of Appropriateness for the construction of a 272 square feet addition at the side of the structure. Applicant: Alvaro Castro Ramirez, 2701 San Jose, El Paso Texas 79930. Representative: Alvaro Castro Ramirez. **THIS IS AN APPEAL CASE. (District 2)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

18D. Discussion and action on an appeal of a decision rendered by the El Paso Historic Landmark Commission on June 7, 2004 for case number HP04016 which denied a Certificate of Appropriateness for the construction of a 20' x 20' carport and concrete driveway at the front of the property. Applicant: Denise Martin, 1400 Reynolds, El Paso Texas 79903. Representative: Andres Lopez. **THIS IS AN APPEAL CASE. (District 2)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

19. PUBLIC HEARING – MAYOR AND COUNCIL:

An Ordinance Amending Title 18 (Building and Construction), by creating Chapter 18.11 (Barrier Free Construction), to require Specific Design Features to create barrier-free construction in new Single Family Dwellings, Duplexes, Triplexes, and Townhomes constructed within approved subdivisions. The penalty as being provided in Chapter 1.08. [Representative Daniel S. Power, (915) 541-4189]

20. PUBLIC HEARINGS – BUILDING PERMITS & INSPECTIONS:

20A. Public hearing to determine if the property located at 7361 Alameda Avenue Space V, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated March 13th, 2003. The owners of this property, Alfredo and Delia Martinez, Owners, 4923 Knox Drive, El Paso, Texas 79904-3427, have been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 3)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

- 20B.** Public hearing to determine if the property located at 320 N. Carolina Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 8th, 2003. The owner of this property, Victor Mendez, 2425 Red Rock Canyon Drive, El Paso, Texas 79930, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 7)** [Building Permits & Inspections, Tom Maguire, (915) 541-4588]
- 20C.** Public hearing to determine if the property located at 3802 E. San Antonio Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 10th, 2004. The owner of this property, Jose Quintana, 3802 E. San Antonio Avenue, El Paso, Texas 79905 has been notified of the violations at this property. Delinquent taxes in the amount of \$58.17. **(District 3)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]
- 20D.** Public hearing to determine if the property located at 1324 Myrtle Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 27th, 2004. The owner of this property, Alicia P. Bustamante, 3208 Donegal Road, El Paso, Texas 79925, has been notified of the violations at this property. Delinquent taxes in the amount of 0. **(District 8)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

21. PUBLIC HEARING – HUMAN RESOURCES:

An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 21, Ex-Parte Communications, to change the restrictions placed on Ex-Parte Communications. [Human Resources, Terry A. Bond, (915) 541-4509]

22. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

- 22A.** An Ordinance changing the zoning of Lots 23 And 24 and the East 17 feet of Lot 25, Block 93, East El Paso Addition, El Paso, El Paso County, Texas (3230 Montana Avenue) from R-5 (Residential) to A-O (Apartment/Office) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Richardo Romero / Representative: Luis De La Cruz; 9013 Lait Drive, El Paso, TX 79925. ZON04-00058 **(District 8)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 22B.** An Ordinance granting Special Permit No. ZON04-00065, to allow for a planned residential development on Tract 4 and Tract 5A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Sal Massoud, Sam Philips, Jorge Herrera, and Victor Herrera / Representative: Del Rio Engineering, Inc.; 491 N. Resler Drive Suite F, El Paso, TX 79912. **(District 1)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

23. PUBLIC HEARINGS – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:

- 23A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.180 (No Stopping or Standing- Tow - Away Zone), Subsection (A) of The El Paso Municipal Code, by amending a location on Missouri Avenue. The penalty being as provided in Section 12.88.180 of The El Paso Municipal Code. **(District 8)**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 23B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), of The El Paso Municipal Code, to temporarily reduce the existing speed limit of 60 M.P.H. to 50 M.P.H. on U. S. 54 between Hondo Pass Drive and Yandell Drive for the duration of the U. S. 54 construction project. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code. **(Districts 2 and 8)**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 23C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.030 (Schedule III-Parking Prohibited At All Times On Certain Streets) to add a new location on Heisig Avenue between Main Street and Prospect Street, North side only. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code. **(District 8)**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 23D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Schedule VI-Parking Time Limited on Certain Streets), Paragraph A (Parking Time Limit Two Hours Between 8:00 a.m. and 6:00 p.m., Except Sundays and Legal Holidays) of The El Paso Municipal Code, to delete a location on Missouri Avenue, both sides, from Campbell Street to Ochoa Street. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code. **(District 8)**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 24.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

24A. Subrogation Claim Regarding Ernest Garcia (551.071)

[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

24B. DISCUSSION AND ACTION on ASARCO Particulate Reduction Contract Enforcement (551.071) [City Attorney's Office, Michael Moffeit, (915) 541-4550]

24C. Discussion and Action on pending claim regarding Jorge Valadez and Cecilia Chavez (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>